

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

CARLOS A. CRUZ BAEZ, ET ALS.,
Plaintiffs,

v.

CIVIL NO. 01-1619(DRD)

ISIDRO NEGRON IRIZARRY, ET ALS.,
Defendants

O R D E R

Pending before the Court are plaintiffs and defendants' respective motions for reconsideration of this Court's Opinion and Order of August 8, 2005. (Docket Nos. 180, and 181, respectively).

In light of defendant Mayor Isidro Negron Irizarry having testified in open court as to having known former plaintiff Pedro Irizarry Bonilla's political affiliation, Mr. Bonilla Irizarry's open affiliation with the NPP, added to the large quantity of contracts that were then extended to PDP affiliates, notwithstanding alleged economic reasons for not hiring Law 52 employees, the Court finds that Pedro Irizarry Bonilla's claim must be reinstated as a plaintiff in the instant case. However, the Court also notes that, having Irizarry Bonilla's contract been entered into during the electoral prohibition period, the defendant Negron Irizarry has met the "just cause" element of the *Mt. Healthy* defense, that is to say, the adverse action would have taken place notwithstanding the alleged adverse political actions. *See Vazquez Valentin v. Santiago Diaz*, 385 F.3d 23, 31 (1st Cir. 2004). But the matter does not end there. Plaintiff may then prove that the alleged reasons provided by defendant is merely pretextual to disguise the political *animus* behind the adverse action. The Court shall grant the plaintiff an opportunity to present said evidence and/or to show that evidence already exists on the record wherein the Court should, by inference, proceed to make such a finding.

As to the remaining reconsideration requests by the parties, the Court shall correct certain facts as requested by defendants. Notwithstanding, the final determinations as to each plaintiff is, in final analysis, **UNALTERED**. Therefore, the reconsideration requests as to all plaintiffs, except Pedro Irizarry Bonilla, are **DENIED**.

IT IS SO ORDERED.

Date: August 16, 2005

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE